



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शुक्रवार, 8 मई, 2020 / 18 वैशाख, 1942

हिमाचल प्रदेश सरकार

DOOR-TO-DOOR GARBAGE COLLECTION & DISPOSAL BYE-LAWS-2018

NOTIFICATION

Dated, the 24th April, 2020

No. MCS/Comm/CHO/2020-1024.—The following Bye-laws made by Municipal Corporation Shimla, for regulating the Door-to-Door Garbage Collection & Disposal-2018 in exercise of the powers conferred by section 395 of the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994) read with the Solid Waste Management Rules, 2016 having been

confirmed by State enforcement, as required under section 397(1) of the aforesaid Acts are here by published for general information, namely:—

BYE-LAWS TO REGULATE DOOR-TO-DOOR GARBAGE COLLECTION & DISPOSAL OF MUNICIPAL CORPORATION, SHIMLA.

Chapter – I - General

1. Short title and commencement: –

- (a) These Bye-laws may be called the Door-to-Door Garbage Collection and Disposal Bye-laws-2018 of Municipal Corporation Shimla for municipal solid waste management & disposal.
- (b) These Bye-laws shall come into force on the date of their adoption and publication in the Rajpatra e-gazette of Himachal Pradesh Government.
- (c) This shall apply to Shimla municipal area.

2. Definitions.—In these rules, unless the context otherwise requires, —

- (A) “act” means the Himachal Pradesh Municipal Corporation Act, 1994.
- (B) “bulk waste generator” means and includes buildings occupied by the Central Government Departments or undertakings, State Government Departments or undertakings, local bodies, public sector undertakings or private companies, hospitals, nursing homes, schools, colleges, universities, other educational institutions, hostels, hotels, commercial establishments, markets, places of worship, stadium and sports complexes having an average waste generation rate exceeding 100 kg per day;
- (C) "bye-laws" means regulatory framework notified by local body, census town and notified area townships for facilitating the implementation of these rules effectively in their jurisdiction.
- (D) "composting" means a controlled process involving microbial decomposition of organic matter;
- (E) "disposal" means the final and safe disposal of post processed residual solid waste and inert street sweepings and silt from surface drains on land as specified in Schedule-I to prevent contamination of ground water, surface water, ambient air and attraction of animals or birds;
- (F) “domestic hazardous waste” means discarded paint drums, pesticide cans, CFL bulbs, tube lights, expired medicines, broken mercury thermometers, used batteries, used needles and syringes and contaminated gauge, etc., generated at the household level;
- (G) "door-to-door garbage collection" means collection of solid waste from the door

step of households, shops, commercial establishments, offices, institutional or any other non-residential premises and includes collection of such waste from entry gate or a designated location on the ground floor in a housing society, multi storied building or apartments, large residential, commercial or institutional complex or premises;

- (H) “dry waste” means waste other than bio-degradable waste and inert street sweepings and includes recyclable and non-recyclable waste, combustible waste and sanitary napkin and diapers, etc;
- (I) “dump sites” means a land utilised by local body for disposal of solid waste without following the principles of sanitary land filling;
- (J) "fine/penalty" means penalty imposed on waste generators or operators of waste processing and disposal facilities under the bye-laws for non-compliance of the directions contained in these or bye- laws.
- (K) “municipality” means the Municipal Corporation/Municipal Council/Nagar Panchayat of Himachal Pradesh.
- (L) “non-biodegradable waste” means any waste that cannot be degraded by micro organisms into simpler stable compounds;
- (M) "sanitary land filling" means the final and safe disposal of residual solid waste and inert wastes on land in a facility designed with protective measures against pollution of ground water, surface water and fugitive air dust, wind-blown litter, bad odour, fire hazard, animal menace, bird menace, pests or rodents, green house gasemissions, persistent organic pollutants slope instability and erosion;
- (N) “sanitary waste” means wastes comprising of used diapers, sanitary towels or napkins, tampons, condoms, incontinence sheets and any other similar waste;
- (O) “schedule” means the schedule indicating the rate in respect of sign boards
- (P) "secondary storage" means the temporary containment of solid waste after collection at secondary waste storage depots or MRFs or bins for onward transportation of the waste to the processing or disposal facility;
- (Q) "segregation" means sorting and separate storage of various components of solid waste namely biodegradable wastes including agriculture and dairy waste, non-biodegradable wastes including recyclable waste, non recyclable combustible waste, sanitary waste and non-recyclable inert waste, domestic hazardous wastes, and construction and demolition wastes;
- (R) “service provider” means an authority providing public utility services like water, sewerage, electricity, telephone, roads, drainage, etc;
- (S) “user fee/charge” means a fee imposed by the local body and any entity mentioned in rule on the waste generator to cover full or part cost of providing solid waste collection, transportation, processing and disposal services.

- (T) “waste picker/Collector” means a person or groups of persons informally engaged in collection and recovery of reusable and recyclable solid waste from the source of waste generation the streets, bins, material recovery facilities, processing and waste disposal facilities for sale to recyclers directly or through intermediaries to earn their livelihood.

Words and expressions used herein but not defined, but defined in the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, Water (Prevention and Control of Pollution) Cess Act, 1977 and the Air (Prevention and Control of Pollution) Act, 1981, Himachal Pradesh Municipal Corporation Act, 1994, Himachal Pradesh Municipal Act, 1994 and Solid Waste Management Rules, 2016 shall have the same meaning as assigned to them in the respective Acts and Rules.

Chapter-II - Management of Municipal Solid waste

3. *Municipal Solid Waste Management.*—The Municipal Corporation Shimla shall establish an integrated Solid Waste Management (SWM) system with an aim to reduce the amount of waste being disposed, while maximizing resources recovery and efficiency. The preferred waste management system shall focus on the following points, namely:—

- I. *Reduction and reuse at source.*—The most preferred option for Solid Waste Management shall be prevention of waste generation. It will be helpful in reducing the handling, treatment, and disposal costs and specially reduce various environmental impacts such as leachate, air emissions and generation of greenhouse gases.
- II. *Waste recycling.*—Recovery of recyclable material resources through a process of segregation, collection and re-processing to create new products shall be the next preferred alternative.
- III. *Composting.*—As far as possible the organic fraction of waste shall be composted and used to improve soil health and agricultural production adhering to norms.
- IV. *Waste-to-Energy.*—Where material recovery from waste is not possible, energy recovery from waste through production of heat, electricity or fuel may be preferred. Bio-methanation, waste incineration, production of Refuse Derived Fuel (RDF) and co-processing of the sorted dry rejects from municipal solid waste are to be commonly adopted “Waste to Energy” technologies.
- V. *Waste disposal.*—Remaining residual waste, which ideally comprises of inerts, shall be disposed in sanitary landfills constructed in accordance with stipulations of the Solid Waste Management Rules, 2016.
- VI. The Integrated Solid Waste Management system shall be environment friendly. Waste minimization, waste recycling, waste-to-energy strategies and landfill gas capture and use which are promoted in the Solid Waste Management Rules, 2016 shall be adopted for reduction of greenhouse gases.

Chapter-III-Municipal Solid Waste Collection & Transportation

4. Segregation & Primary Storage of Municipal Solid waste:—

- (a) It will be prime responsibility of every waste generator/citizen to segregate the waste generated by them in three separate streams namely bio-degradable, non-

biodegradable and domestic hazardous wastes in suitable covered bins and handover segregated wastes to authorised waste pickers or waste collectors designated by ULBs or Agency hired by ULBs once a day or at the frequency as decided by respective local body on the timing fixed by the service provider. Every citizen has to pay a fixed monthly rental for the services of door-to-door garbage collection.

- (b) Waste generators shall be encouraged to segregate waste and store at source in three separate colour bins *i.e.* green— for biodegradable waste, blue— for non-biodegradable, red— for domestic hazardous waste.
- (c) All institutions with more than 5,000 sqm. area shall, within one year from the date of notification of these bye laws and in partnership with the Municipal Corporation Shimla, ensure segregation of waste at source by the generators, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the Municipal Corporation.
- (d) No person shall organise an event or gathering of more than one hundred persons at any unlicensed place without intimating the Municipal Corporation, at least three working days in advance and such person or the organiser of such event shall ensure segregation of waste at source and handing over of segregated waste to waste collector or agency as specified by the Municipal Corporation.
- (e) Used sanitary waste are to be securely wrapped as and when generated in the pouches provided by the manufacturers or brand owners of these products or in a newspaper or suitable biodegradable wrapping material and place the same in the bin meant for non- biodegradable waste or dry waste.
- (f) Every street vendor shall keep suitable containers for storage of waste generated during the course of his activity such as food waste, disposable plates, cups, cans, wrappers, coconut shells, leftover food, vegetables, fruits, etc., and shall deposit such waste at waste storage depot or container or vehicle as notified by the Municipality.
- (g) Store separately construction and demolition waste, as and when generated, in his own premises and shall dispose off as per the Construction and Demolition Waste Management Rules, 2016.
- (h) Bulk waste generators of garden and horticulture waste like park, stadium etc. shall store separately in their premises and dispose of the same as may be prescribed by the Municipal Corporation.
- (i) No untreated bio- medical waste, e-waste, hazardous chemicals and industrial waste shall be mixed with municipal solid waste and such waste shall follow the rules specifically separately specified for the purpose.

- (j) Every waste generator has to ensure that there is no practice of burning or burying the solid waste generated by him, throwing on streets/open public spaces outside his premises or in the drain or water bodies.
 - (k) Littering of waste on streets/open space/ water bodies/drain shall be fined on the spot. On iterative they will be punishable and can subjected to court as per rule.
 - (l) Time to time awareness generation campaigns should be organised to motivate people. RWA (Resident Welfare Association), Local NGOs, representative of public association and elected local member should be involved in the programme to motivate citizen.
5. Primary Collection of Municipal Solid Waste:—
- (a) Each and every house in the city/town should approached for the primary collection of waste by means of wheel barrow, push cart, tricycle, small auto tipper depending on the size of road available.
 - (b) Municipal Corporation to arrange for daily door-to-door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non-residential premises. From multi-storage buildings, large commercial complexes, malls, housing complexes, etc., this may be collected from the entry gate or any other designated location;
 - (c) Municipal Corporation to establish a system to recognise organisations of waste pickers or informal waste collectors and promote and establish a system for integration of these authorised waste-pickers and waste collectors to facilitate their participation in solid waste management including door-to-door collection of waste;
 - (d) Municipal Corporation have to facilitate formation of Self Help Groups, provide identity cards and thereafter encourage integration of informal waste pickers in solid waste management including door-to-door collection of waste.
 - (e) Municipal Corporation have to collect separately waste from sweeping of streets, lanes and by-lanes daily, or on alternate days or twice a week depending on the density of population, commercial activity and local situation.
 - (f) Municipal Corporation have to collect horticulture, parks and garden waste separately and process in the parks and gardens, as far as possible.
 - (g) Time for the door-to-door collection services will have to fixed by the concern ULBs. Generally timing should to be between 6:00 A.M. to 9:00 A.M. For proper waste collection vehicle such as tricycle, auto tipper used for door-to-door garbage collection should be equipped with Alarm with audible decibel fixed as per the rules and timing should be strictly followed by the sanitation workers.
 - (h) For door-to-door garbage collection from commercial complex, offices and secondary bins timing should be between 9:00 A.M. to 11:00 A.M.
 - (i) Municipal Corporation to collect the plastic waste separately as per Plastic Waste Management Rules, 2016.

- (j) For proper solid waste management & grievance redress Municipal Corporation should set up small office/centre in each ward of their boundaries or as required according to municipals area.
- (k) Under door-to-door services user charge for collection should be formulated on the following criteria.

Note.— User charge as prescribed above can be revised by the ULB time to time keeping in view the polluter pay principal to meet the operation and maintenance cost of the services under Solid Waste Management.

- (l) User charge mentioned above for door-to-door services needs to be collected from each and every household & other establishments of all the wards in the municipal boundaries of the ULBs. Users charge decided above, contact person's name & number needs to be conveyed to general public through different media such as display on the vehicles used for these services, hoardings, pamphlets etc. Also, awareness generation campaigns need to be organised.
- (m) No manual loading or unloading of waste in compactor should be practised with open hand or without safety measure as per the Solid Waste Management Rules, 2016.

6. Secondary Storage of Municipal Solid Waste.—Municipality by their own or with help of Agency hired needs to develop storage bins/secondary storage points for the collection of waste generated in the town, they will also be responsible to monitor the condition of these bins so that no filthy or unhygienic condition develops around. While establishing or monitoring secondary storage bins following precaution needs to be taken care.

- (a) Storage/Secondary storage bins should be designed and develop on the basis of the quantity of waste generated, density of population in the notified municipal boundaries. Minimum distance between two bins should be 500 meters and within radius of 1 Km maximum numbers of bins should limited upto 5. Established bins must be covered with movable lid and must be approachable/connected with metallic or non-metallic road.
- (b) Bins provided by Municipal Corporation or any hired agency should be designed in such a manner so that waste disposed does not get scattered in open atmosphere and it should be artistic in nature so that it motivates people to dispose their waste in the bins not in open.
- (c) Bins placed at designated place by Municipal Corporation or any hired agency should motivate people to practice waste segregation and it should be placed as per Solid Waste Management Rule, 2016 having colour coding for different types of waste.
- Green: - Biodegradable waste (Food waste, garden waste)
 - Blue: - Non-Biodegradable waste
 - Red: - Hazardous or toxics waste
- (d) Well-designed Vehicle like auto Tipper/Compactor should be used for the purpose of transportation of waste and evacuating the bins.
- (e) All the co-operative society, residential welfare association/ society, institutional

- organisation will be responsible to place suitable quantity of bins approved by the Municipal Corporation on the fixed place in their compound so that waste generated from there can be stored properly and collected from time to time by the municipal vehicle. User charge for these services fixed by the ULBs should be collected by the authorised person of local body.
- (f) It will be prime responsibility of all the waste generators/citizens to store and sell/handover the recyclable waste to the Rag pickers/Kabadiwala or person/organisation designated by the Municipal Corporation. They have to ensure that no such waste is being disposed on the road/drain/secondary storage bins/ open space.
 - (g) Door-to-door garbage collection, secondary storage bins, collection & transportation, processing of waste and disposal of waste in sanitary landfill site, all these services will be provided by Municipal Corporation or any hired agency. ULBs will charge user fee for all these services and violator will be fined on the spot or punished and can be subjected to court as per rule.
 - (h) Waste from the slaughter house, fish market, fruit & vegetable market is biodegradable in nature, so proper storage facility should be designed so that no health hazard spreads from this & facility for composting should be developed to make use of such waste in generating organic manure from it. For ensuring proper disposal of such waste every generator have to ensure best storage facility and segregation of such waste at source and door-to-door collection should be practiced by ULBs to collect 100% of such waste and take to processing plant. On Violation, waste generator should be fined on the spot or punished and can be subjected to court as per rule.
 - (i) Municipal Corporation have to establish waste deposition centres for domestic hazardous waste and give direction for waste generators to deposit domestic hazardous wastes at this centre for its safe disposal. Such facility shall be established in a city or town in a manner that one centre is set up for the area of twenty square kilometres or part thereof and notify the timings of receiving domestic hazardous waste at such centres.
 - (j) Bio medical & industrial waste should not be mixed with municipal waste and such waste should be stored and disposed separately as per the rules applicable. For the disposal of bio-medical waste Common Biomedical Waste Treatment facility (CBMWTF) should be developed in each ULB either separately or on the cluster basis. By paying the fixed user fee such waste can be easily disposed off.
 - (k) Construction and demolition waste should be stored separately as and when generated, in his/her own premises and shall be disposed off as per the Construction and Demolition Waste Management Rules, 2016. ULBs should fix user charge for transportation and disposal of C&D waste and generator should dispose this waste by paying the charge as per the rules and at the designated place. Disposing of such waste in open space, road side, common place will be treated as illegal and fined as per the rules.
 - (l) Gardening/Horticultural waste should also be stored separately at source. ULBs

should fix a day or two in week and some place where generator should give their waste and from there it should be transported to disposal site.

- (m) Dry leaves, plastic and other such waste should not be burnt in open, doing such activity will be treated as illegal and punishable, violator should be fined as per the rules.
- (n) Stray animal should be restricted from roaming in and around the waste disposal site & secondary storage bins or any public place in the town.
- (o) Every citizen, institutions, office buildings, commercial complexes has to ensure that there is no open discharge of grey water, black water or any other such polluted water in drain, open space or on road which can spread health issues, doing such activity will be treated as illegal and punishable as per the rules.
- (p) No person should dispose dead animal or any such material in open space, road side, community park or any other place which can spread pollution and health issues, doing such activity will be treated as illegal and punishable as per the rules.
- (q) Municipal Corporation have to set up covered secondary storage facility for temporary storage of street sweepings and silt removed from surface drains in cases where direct collection of such waste into transportation vehicle is not convenient. Waste so collected shall be collected and disposed of at regular intervals as decided by the local body.
- (r) Municipal Corporation can develop bins free solid waste management facility but for this 100% waste collection from the door step of the generator should be ensured.

7. Secondary Collection & Transportation of Municipal Solid Waste: –

- (a) Each storage bins/secondary storage bins should be attended daily by the help of auto tipper, tractor, compactor etc.
- (b) Closed vehicle should be used for the transportation of waste. To reduce the frequency of loading and unloading of waste compactor should be used.
- (c) Municipal Corporation will have to ensure safe storage and transportation of the domestic hazardous waste to the hazardous waste disposal facility.
- (d) Transport segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant or any such facility. Preference shall be given for onsite processing of such waste.
- (e) Transport non-bio-degradable waste to the respective processing facility or material recovery facilities or secondary storage facility. Ensure transportation of construction and demolition waste as per the provisions of the Construction and Demolition Waste Management Rules, 2016.

Chapter – IV - Municipal Solid Waste Processing & Disposal

8. Waste Processing Plant.—Municipal Corporation with help of State Pollution Control Board approval needs to develop solid waste management/processing plant to make use of daily

generated biodegradable waste so that it can reduce the quantity of waste being disposed at the sanitary landfill site.

- (a) Municipal Corporation have to collect waste from vegetable, fruit, flower, meat, poultry and fish market on day to day basis and promote setting up of decentralised compost plant or bio-methanation plant at suitable locations in the markets or in the vicinity of markets ensuring hygienic conditions.
 - (b) Involve communities in waste management and promotion of home composting, bio-gas generation, decentralised processing of waste at community level subject to control of odour and maintenance of hygienic conditions around the facility.
 - (c) For processing of biodegradable waste Municipal Corporation have to establish waste processing plant such as composting plant–windrow compost plant, vermi composting plant, waste to energy or any other such technology by their own or with help of any other licensed company/firm/organisation on Build–Operate–Transfer (BOT)/ object oriented (OO) method.
 - (d) For processing of mixed recyclable waste Municipal Corporation have to establish recycling unit such as incineration, RDF Plant or other such recycling technology by their own or with help of any other licensed company/firm /organisation on Build–Operate -Transfer (BOT)/ object oriented (OO) method.
 - (e) Municipality may also send the non-biodegradable/dry waste as RDF to nearby cement factories for co-processing.
9. Waste Disposal: -
- (a) Municipal Corporation have to stop land filling or dumping of mixed waste soon after the timeline for setting up and operationalisation of sanitary landfill is over.
 - (b) Municipal Corporation have to allow only the non-usable, non-recyclable, non-biodegradable, non-combustible and non-reactive inert waste and pre-processing rejects and residues from waste processing facilities to go to sanitary landfill.
 - (c) Sites shall meet the specifications as given in Schedule–I of Solid Waste Management Rules, 2016, however, every effort shall be made to recycle or reuse the rejects to achieve the desired objective of zero waste going to landfill.
 - (d) Municipal Corporation have to investigate and analyse all old open dumpsites and existing operational dumpsites for their potential of bio-mining and bio-remediation and where so ever feasible, take necessary actions to bio-mine or bio-remediate the sites.
 - (e) Municipal Corporation have to ensure that in absence of the potential of bio-mining and bio-remediation of dumpsite, it shall be scientifically capped as per landfill capping norms to prevent further damage to the environment.

Chapter – V-Monitoring by Ward Committee

Constitution of Ward Sanitation Committee.—A Ward Sanitation Committee shall be constituted in each ward of the Municipal Corporation. The Ward Sanitation Committee shall have 11 to 15 members. The members of the WSC would comprise of ward member, sanitary inspector,

tax collector or a designated officer by Municipal Corporation each ward, representatives of Residential Welfare Associations (RWAs) of the ward, representatives from slum sanitation committee, representatives of Community Based Organisations (SHGs, youth club etc), local leaders, senior citizens etc. The Ward Sanitation Committee shall oversee the sanitation activity in the ward.

Chapter – VI-Stakeholder’s Responsibilities

10. Responsibilities of various stakeholders: –

10.1 Responsibilities of Waste Generators:

- (a) No waste generator shall throw the waste generated by him on the street, open spaces, drain or water bodies.
- (b) No person shall let the dirty water, mud, night soil, cow dung, urine, polluted water from their own house, organisation, commercial establishments to accumulate in their own compound nor let it flow on common streets in a way that the environment gets polluted by foul smell or poses a threat to public health.
- (c) To wrap securely used sanitary waste as and when generated in a newspaper or suitable bio-degradable wrapping material and place the same in the domestic bin meant for non-biodegradable waste.
- (d) All citizens shall have the responsibility to dispose of the recyclable waste generated in their complexes to the waste pickers authorised by the Municipal Corporation or waste collector or containers of the Municipal Corporation and not put it on the road under any circumstances.
- (e) All waste generators shall pay user fees as specified in these bye-laws.
- (f) No waste generator shall throw, burn or bury the solid waste generated by him on streets, open public spaces outside his premises or in the drain or water bodies,
- (g) No dead animals or their remains to be thrown in any public places or any such place, which create any kind of pollution.
- (h) If any person is found violating activities prohibited for doing, fine charges shall be collected from the offender by the Municipal Corporation.

10.2 Responsibility of Ward Sanitation Committee:

- (a) The Ward Sanitation Committee shall oversee the sanitation and cleanliness activities in ward.
- (b) The Ward Sanitation Committee shall act as a grievances redressal point on sanitation issues at ward level.
- (c) The Ward Sanitation Committee shall have the power to impose fine on any offender and also have the power to waive of penalties.

- (d) The Ward Sanitation Committee will promote home composting, bio-gas generation, decentralised processing of waste at community level subject to control of odour and maintenance of hygiene around the facility.
- (e) The Ward Sanitation Committee will give warning to any offenders of these bye-laws. After two warning by the Ward Sanitation Committee or the Municipal Corporation, penalty shall be collected from the violator as per the provisions of these bye-laws.

10.3 Responsibility of the Municipal Corporation:

- (a) The Municipal Corporation shall within its territorial area, be responsible for ensuring daily and throughout the year system of cleaning of all common roads, places, temporary settlements, slums, areas, markets, its own parks, gardens, tourist spots, cemeteries and shall be bound to collect the garbage from the nearest declared storage containers, and transport it every day to the final disposal point in closed vehicles for which the municipal authority may engage private parties on contract or Public Private Partnership Mode, apart from its own permanent cleaning staff and vehicles.
- (b) The Municipal Corporation or the authorized agency engaged by the Municipal Corporation provide and maintain suitable community bins on public roads or other public paces.
- (c) The Municipal Corporation for the purpose of managing such sanitation activities in decentralised and regular manner shall designate one ward officer, in every ward to supervise the spots of containers, public toilets, community toilets or urinals in public places, transfer station for public garbage, landfill processing units etc. for final disposal of city's garbage.
- (d) The designated ward officer by the Municipal Corporation shall also be a member of the concerned Ward Sanitation Committee which shall act as the first point of grievance redressal on sanitation issues of the concern ward and meet complaints of citizens on issues of sanitation.
- (e) The Municipal Corporation shall facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on their own or through any agency for optimum utilisation of various components of solid waste adopting suitable technology including the technologies and the guidelines issued by the Ministry of Urban Development from time to time and standards prescribed by the Central Pollution Control Board.
- (f) The Municipal Corporation shall create awareness through Information, Education and Communication (IEC) campaign and educate the waste generators on minimal generation of waste, not to litter, re-use the waste to the extent possible, practice segregation of wet bio-degradable waste, dry recyclable and combustible waste and domestic hazardous waste at source, wrap securely used sanitary waste as and when generated in a newspaper or suitable bio- degradable wrapping material and place the same in the domestic bin meant for non-biodegradable waste, storage of segregated waste at source and payment of monthly user fee.

- (g) Chemical fertilizers shall be replaced by use of compost in all parks, gardens maintained by the Municipal Corporation and any other places within two years of notification.
- (h) Promote recycling initiatives by informal waste recycling sector.
- (i) The Municipal Corporation shall make efforts to streamline and formalize Solid Waste Management Systems and endeavour that the informal sector workers in waste management (rag pickers) are given priority to upgrade their work conditions and are enumerated and integrated into the formal system of Solid Waste Management in cities.
- (j) Ensure that the operator of a facility provides personal protection equipment including uniform, fluorescent jacket, hand gloves, rain coats, appropriate foot wear and masks to all workers handling solid waste and the same are used by the workforce.
- (k) Ensure occupational safety of the Municipal Corporation own staffs and staffs of outsource agency involved in collection, transport and handling waste by providing appropriate and adequate personal protective equipment's.
- (l) In case of an accident at any solid waste processing or treatment or disposal facility or landfill site, the officer-in-charge of the facility shall report to the Municipal Corporation immediately which shall review and issue instructions if any, to the in-charge of the facility.

Chapter –VII- Prosecution & Penalties

11. Prosecution: -

- I. Prosecution can be made on violation of above said rules Under Municipal Solid Waste Management Rules, 2016, Himachal Pradesh Council/Municipal Corporation Act, 1994 and Environmental Protection Act, 1986. Even the prosecution can be made on the official/workers responsible for implementing so called services under the above said Bye-laws if they are not performing their task or delaying their responsibility to implement the services.
- II. Whosoever contravenes the provision of above said Bye-laws shall be in addition to the penalties already mentioned under any act/rules/laws/bye-laws for time being in force would be liable for disconnection of water supply, electricity and other civic amenities and the Commissioner of the ULB may request the competent authorities to withdraw any other services if granted in favour of Institution/Commercial Establishment/person committing the offence.

12. Penalties:

On the violation of above said Municipal Bye-laws fixed penalties are as below:

Sl. No.	Offence	Spot fine which may be imposed
1.	Littering by any citizen	Rs. 500 per day

2.	Littering/Open dumping by shopkeepers	Rs. 1000 per day
3.	Littering/open dumping by restaurants owners	Rs. 2000 per day
4.	Littering/ open dumping by Hotel Owners	Rs. 2000 per day
5.	Littering/open dumping by Industries	Rs. 5000 per day
6.	Littering/Open dumping by Street Vendor like fast-food, chat, ice-cream, juice corner etc.	Rs. 250 per day
7.	Open defecation/ urination in public place	Rs. 500 per offence committed
8.	Disposal of dung in open space/public place	Rs. 2000 per day
9.	Disposal of construction & demolition waste in open space/road side/public place by resident.	Rs. 2000 per day
10.	Littering of waste like dung, construction & demolition waste on road while transporting through private tractor/vehicle.	Rs. 2000 per day
11.	Disposal of waste water from house in non-authorised place.	Rs. 2000 per day
12.	Disposal of sewer in non-authorised place	Rs. 5000 per day
13.	Not keeping of closed dust bins in adequate number & quantity by owners mention from Sl. No 2- 6.	Rs. 5000 per day
14.	Spilling of Oil, Dust, Water & other material by road side Motor, Bike, Bicycle repair mechanics.	Rs. 1000 per day
15.	Disposal of Skin, feather, blood, flash or any other material of animal(s) by shopkeeper.	Rs. 2000 per day
16.	Littering/Defecation by pet animals like dogs, cow, etc. on road side/ open space/ community place.	Rs. 1000 per day
17.	Littering or disposal of waste in front of Marriage hall, community place, exhibition hall, Mela ground.	Rs. 5000 per day
18.	Encroachment of Road by Dhabas or any other such shop and disposing of waste on road side, open space.	Rs. 1000 per day
19.	Encroachment of Road by fruit, vegetable local vendor and disposing of waste on road side, open space.	Rs. 250 per day
20.	Encroachment of Road by Hair cutting saloon and disposing of waste on road side, open space.	Rs. 250 per day
21.	Encroachment & Disposal of construction & demolition waste in open space/ road side/ public place by Business man, shopkeepers & others.	Rs. 5000 per day
22.	Disposal of waste by Private Nursing home/hospital, Clinics, Dispensaries on road side, open space.	Rs. 5000 per day
23.	Non-Segregation of waste at source	
i	Residents	Rs. 250 for first offence and Rs 500 for second & subsequent offences in a month.

ii	Shopkeepers	Rs. 500 for first offence and Rs. 1000 for second & subsequent offences in a month.
iii	Restaurants owners	Rs. 1000 for first offence and Rs. 2000 for second & subsequent offences in a month.
iv	Hotel Owners	Rs. 1500 for first offence and Rs. 2500 for second & subsequent offences in a month.
v	Industrial Establishment	Rs. 3000 for first offence and Rs. 5000 for second & subsequent offences in a month.
vi	Sweets, snacks, fast food, Ice-creams, sugarcane & other juice and vegetables vendor carts	Rs. 250 for first offence and Rs. 500 for second & subsequent offences in a month.
24.	Prohibition on open burning of waste on lands including at landfill sites	Rs. 5000/- in a case of simple burning and Rs. 25000/- in case of burning as environmental compensation.

13. Repeal / Contradict: —

- ✓ Once these bye-laws come into force any other rules, bye-laws, policy with regard to this matter adopted by Municipal Corporation Shimla will be considered as disaffirm.
- ✓ Any work done or scheme implemented under any previous rules/bye-laws will not be impugned unless until it is just opposite or completely contrary to the action to be taken under the above said bye-laws.

श्रम एवं रोजगार विभाग

अधिसूचना

शिमला-2, 9 मार्च, 2020

संख्या: श्रम(ए)3-5/2012-पार्ट-II.—हिमाचल प्रदेश के राज्यपाल, औद्योगिक नियोजन (स्थायी आदेश) अधिनियम, 1946 (1946 का 20) की धारा 2 (ख) के साथ पठित पूर्वोक्त अधिनियम की धारा 15 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस विभाग की अधिसूचना संख्या: 10/17/71-एस.आई.-वोल्यूम-II तारीख 06-09-1973 द्वारा राजपत्र, हिमाचल प्रदेश में प्रकाशित हिमाचल प्रदेश इण्डस्ट्रियल इम्प्लाइमेंट (स्टैंडिंग आर्डर) हिमाचल प्रदेश रूल्ज़, 1973 का और संशोधन करने के लिए निम्नलिखित नियम बनाने का प्रस्ताव करते हैं और इन्हे जनसाधारण की सूचना के लिए राजपत्र, हिमाचल प्रदेश में एतद्वारा प्रकाशित किया जाता है;

हितबद्ध किसी व्यक्ति को इन नियमों की बाबत यदि कोई आपेक्ष/सुझाव है/हैं तो वह उसे/उन्हें उक्त प्रारूप नियमों के राजपत्र (ई-गजट) हिमाचल प्रदेश में प्रकाशन की तारीख से तीस दिन की अवधि के भीतर श्रमायुक्त, हिमाचल प्रदेश, हिमरस भवन, शिमला-1 को भेज सकेगा;

उपरोक्त विनिर्दिष्ट अवधि के भीतर प्राप्त हुए आक्षेप/सुझाव, यदि कोई है/हैं, पर सरकार द्वारा उक्त प्रारूप नियमों को अंतिम रूप देने से पूर्व विचार किया जाएगा, अर्थात्:-

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम इण्डस्ट्रियल इम्प्लाइमेंट (स्टैंडिंग आर्डर) हिमाचल प्रदेश (अमैन्डमेंट) रूल्ज़, 2019 है।

(2) ये नियम राजपत्र (ई-गजट) हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. रूल 3(A) का अन्तःस्थापन.—इण्डस्ट्रियल इम्प्लाइमेंट (स्टैंडिंग आर्डर) हिमाचल प्रदेश रूलज़, 1973 (जिन्हे इसमें इसके पश्चात् 'उक्त रूल' कहा गया है) के रूल 3 के पश्चात् निम्नलिखित नया रूल 3 A अन्तः स्थापित किया जाएगा, अर्थात्:—

“(3A) No employer of an industrial establishment shall convert the posts of the permanent workmen existing in his industrial establishment on the date of commencement of the Industrial Employment (Standing Orders) Himachal Pradesh (Amendment) Rules, 2019, as fixed term employment thereafter.”

3. रूल 5 का संशोधन.—उक्त रूलज़ के रूल 5 की आइटम (7) के पश्चात् निम्नलिखित आइटम अन्तःस्थापित की जाएगी, अर्थात्:—

“(7A) Number of fixed term employment workmen”;

4. शड्यूल 1 का प्रतिस्थापन.—उक्त रूलज़ से संलग्न शड्यूल 1 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“SCHEDULE 1”

(See rule 3)

MODEL STANDING ORDERS

1. These orders shall come into force on
2. Classification of workmen:- (a) Workmen shall be classified as—
 - (1) Permanent,
 - (2) probationers,
 - (3) badlis,
 - (4) temporary,
 - (5) casual,
 - (6) apprentices,
 - (7) fixed term employment workmen,
- (b) A “permanent” workman is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial establishment including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal strike) or involuntary closure of the establishment.
- (c) A “probationer” is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed three months service therein. If a permanent employee is employed as a probationer in a new post he may, at any time during the probationary period of three months, be reverted to his previous permanent post.

- (d) A “badli” is a workman who is appointed in the post of a permanent workman or probationer who is temporarily absent.
- (e) A “temporary” workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished with a limited period.
- (f) A “casual” workman is a workman whose employment is of casual nature.
- (g) A “apprentice” is a learner who is paid an allowance during the period of his training.
- (h) A “fixed term employment” is a workman who has been engaged on the basis of a written contract of employment for a fixed period :

Provided that –

- (c) his hours of work, wages, allowances and other benefits shall not be less than that of a permanent workman; and
- (d) He shall be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even if his period of employment does not extend to the qualifying period of employment required in the statute.

3. Tickets.—(1) Every workman shall be given a permanent ticket unless he is a probationer, badli, temporary, casual worker or apprentice.

(2) Every permanent workman shall be provided with a departmental ticket showing his number, and shall, on being required to do so, show it to any person authorised by the manager to inspect it.

(3) Every badli shall be provided with the badli card, on which shall be entered the days on which he has worked in the establishment, and which shall be surrendered if he obtains permanent employment.

(4) Every temporary workman shall be provided with a “temporary” ticket which he shall surrender on his discharge.

(5) Every casual worker shall be provided with a casual card, on which shall be entered the days on which he has worked in the establishment.

(6) Every apprentice shall be provided with a ‘apprentice’ card which shall be surrendered if he obtains permanent employment.

4. Publication of working time.—The periods and hours for all cases of workers in each shift shall be exhibited in English and in Hindi on notice boards maintained at or near the main entrance of the establishment and at time-keeper’s office, if any.

5. Publication of holidays and pay days.—Notices specifying (a) the days observed by the establishment as holidays, and (b) pay days shall be posted on the said notice boards.

6. Publication of wage rates.—Notices specifying the rates or wages payable to all classes of workmen and for all classes of work shall be displayed on the said notice boards.

7. Shift working.—More than one shift may be worked in a department or department or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, the workmen shall be liable to be transferred from one shift to another. No shift working shall be discontinued without two months' notice being given in writing to the workmen prior to such discontinuance:

Provided that no such notice shall be necessary if the closing of the shift is under an agreement with the workmen affected. If as result of the discontinuance of the shift working any workmen are to be retrenched, such retrenchment shall be effected in accordance with the provisions of the Industrial Disputes Act, 1947 (14 of 1947) and the rules made there under. If shift working is restarted, the workmen shall be given notice and re-employed in accordance with the provisions of the said Act and the said rules.

8. Notice of Changes in shift working.—Any notice of discontinuance or of restarting of a shift working required by Standing Order 7 shall be in the form appended to these orders and shall be served in the following manner, namely:—

The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the manager's office:

Provided that where any registered trade union of workman exists, a copy of the notice shall also be served by registered post on the Secretary of such union.

9. Attendance and late coming.—All workman shall be at work at the establishment at the time fixed and notified under Paragraph 4. Workman attending late will be liable to the deductions provided for in the Payment of Wages Act, 1936 (Act No. 4 of 1936).

10. Leave.—(1) Holidays with pay will be allowed as provided for the Chapter IV-A of the Factories Act, 1948 (63 of 1948) and other holidays in accordance with law, contract, custom and usage.

(2) A workman who desires to obtain leave of absence shall apply to the manager who shall issue order on the application within week of its submission or two days prior to the commencement of the leave applied for, whichever, is earlier, provided that if the leave applied for is to commence on the date of the application or within three days thereof, the order shall be given on the same day. If the leave asked for is granted, a leave pass shall be issue to the worker. If the leave is refused or postponed, the fact of such refusal or postponement and the reason therefore shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires, a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof, he shall apply to the manager who shall send written reply either granting or refusing and if such reply is likely to reach his address is available of the leave originally granted to him.

(3) If the workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment unless (a) returns within 8 days of the expiry of the leave and (b) explain to the satisfaction of the manager his inability to return before the expiry of his leave. In case the workman loses his lien on his appointment, he shall be entitled to be kept on the badli list.

11. Casual and sick leave.—Every workman shall be allowed casual and sick leave in accordance with the Himachal Pradesh Industrial Establishment (National and Festival Holidays and Casual and Sick Leave) Act (Act No. 7 of 1970) and rules framed thereunder.

12. National Festival holidays.—Every workman shall be allowed National and Festival Holidays in accordance with the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act (Act No. 7 of 1970) and rules framed thereunder.

13. Payment of wages.—(1) Any wages, due to the workmen but not paid on the usual payday on account of their being unclaimed, shall be paid by the employer on an unclaimed wages pay day in each week, which shall be notified on the notice board as aforesaid.

(2) All workmen will be paid wages on a working day before the expiry of the seventh or the tenth day after the last day of the wage period in respect of which the wage are payable, according as the total number of workmen employed in the establishment does not or does exceed one thousand.

14. Stoppage of work.—(1) The employer may, at any time in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, epidemics, civil commotion or other cause beyond his control, stop any section or sections of the establishment, wholly or partially for any period or periods without notice.

(2) In the event of such stoppage during working hours, the workmen affected shall be notified by notices put upon the notice board in the department concerned, or at the office of the manager, as soon as practicable, when work will be resumed and whether they are to remain or leave their place for work. The workmen shall not ordinarily be required to remain for more than two hours after the commencement of the stoppage. If the period of detention does not exceed one hour the workmen so detained shall not be paid for the period of detention. If the period of detention exceeds one hour, the workmen so detained shall be entitled to receive wages for the whole of the time during which they are detained as a result of the stoppage. In the case of the piece rate workers, the average daily earning for the previous month shall be taken to be the daily wages. No other compensation will be admissible in case of such stoppage. Whenever practicable reasonable notice shall be given of resumption of normal work.

(3) In case where workmen are laid off for short periods on account of failure of plant or a temporary curtailment of production, the period of un-employment shall be treated as compulsory leave either with or without pay, as the case may be. When, however, workmen have to be laid off for an indefinitely long period, their services may be terminated after giving them due notice or pay in lieu thereof.

(4) The employer may in the event of a strike affecting either wholly or partially any section or department of the establishment close down neither wholly or partially such section or department and any other section or department affected by such closing down. The fact of such closure shall be notified by notices put on the notice board in the section or department concerned and in the time-keeper's office, if any, as soon as practicable. The workmen concerned shall also be notified by a general notice, prior to resumption of work, as to when work will be resumed.

15. Termination of employment.—(1) For terminating employment of a permanent workman, notice in writing shall be given either by the employer or the workman one months notice in the case of monthly rated workmen and two week's notice in the case of the other workmen. One month's 'or two weeks, pay as the case may be, may be paid in lieu of notice.

(2) **Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947),—**

(i) **no notice of termination of employment shall be necessary in the case of temporary workman whether monthly rated, weekly rated or piece rated and probationers or badly workmen; and**

- (ii) **no workman employed on fixed term employment basis as a result of non-renewal of contract or employment or on the expiry of such contract period without it being renewed, shall be entitled to any notice or pay in lieu thereof, if his services are terminated :**

Provided that the services of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the matter prescribed in paragraph 16.

(3) Where the employment of any workman is terminated, the wages earned by him and other dues, if any, shall be paid before the expiry of the second working day from the date on which his employment is terminated.

16. Disciplinary Action for misconduct.— (1) A workman may be fined upto two percent of his wages in a month for the following acts and commissions, namely:—

Note.—Specify the acts and omissions which the employer may notify with the previous approval of the prescribed authority in pursuance of section 8 of the Payment of Wages Act, 1936 (4 to 1936).

(2) A workman may be suspended for a period not exceeding four days at a time, or dismissed without notice or any compensation in lieu of notice, if he is found to be guilty of misconduct.

(3) The following acts and omissions shall be treated as misconduct:

- (a) wilful insubordinate or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior;
- (b) theft, fraud or dishonesty in connection with the employer's business or property;
- (c) wilful damage to or loss of employer's good or property;
- (d) taking or giving bribes or any illegal gratification;
- (e) habitual absence without leave or absence without leave for more than 10 days;
- (f) habitual late attendance;
- (g) habitual breach of any law applicable to the establishment
- (h) riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline;
- (i) habitual negligence or neglect of work;
- (j) frequent repetition of any act or omission for which a fine may be imposed to a maximum of 2 percent, of the wages in a month; and
- (k) Striking work or inciting others to strike work in contravention of the provisions of any law or rule having the force of law.

- (4) (a) Where disciplinary proceeding against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence are under investigation or trial and the employer is satisfied that it is necessary or desirable to place the workman under suspension, he may by order in writing suspend him with effect from such date as may be specified in the order. A statement setting out in detail the reasons for such suspension shall be supplied to the workmen within a week from the date of suspension.
- (b) A workman who is placed under suspension under clause (a) shall, during the period of such suspension, be paid a subsistence allowance at the following rates, namely:—
- (i) Where the enquiry contemplated or pending is departmental the subsistence allowance shall, for the first ninety days from the date of suspension be equal to one-half of the basic wages, dearness allowance and other compensation allowance to which the workman would have been entitled if he were on leave with wages. If the departmental enquiry gets prolonged and the workman continues to be under suspension for a period exceeding ninety days the subsistence allowance shall for such period be equal to three fourths of such basic wages, dearness allowance and other compensatory allowance:
- Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the workman, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of such basic wages, dearness allowance and other compensatory allowance.
- (ii) Where the enquiry is by an outside agency or, as the case may be, where criminal proceedings against the workman are under investigations or trial the subsistence allowance shall, for the first one hundred and eighty days from the date of suspension, be equal to one-half on his basic wages, dearness allowance and other compensatory allowances to which the workman would have been entitled to if he were on leave. If such enquiry or criminal proceedings gets prolonged and the workman continues to be under suspension for a period exceeding one hundred and eighty days, the subsistence allowance shall for such period be equal to three-fourths of such wages:
- Provided that where such enquiry or criminal proceedings is prolonged beyond a period of one hundred and eighty days for reasons directly attributable to the workman, the subsistence allowance shall, for the period exceeding one hundred and eighty days, be reduced to one fourth of such wages.
- (c) If on the conclusion of the enquiry or, as the case may be, of the criminal proceedings, the workman has been found guilty of the charges framed against him and it is considered, after giving the workman concerned a reasonable opportunity of making representation on the penalty proposed, that an order of dismissal or suspension or fine or stoppage of annual increment or reduction in rank would meet the ends of justice, the employer shall pass an order accordingly:

Provided that when an order of dismissal is passed under this clause, the workman shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any remuneration for such period and the subsistence allowance already paid to him shall not be recovered:

Provided further that where the period between the date on which the workman was suspended from duty pending the enquiry or investigation or trial and the date on which an order of suspension was passed under this clause exceeds four days, the workman shall be deemed to have been suspended only for four days or for such shorter period as is specified in the said order of suspension and for the remaining period he shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting subsistence allowance paid to him for such period:

Provided also that where an order imposing fine or stoppage of annual increment or reduction of rank is passed under this clause, the workman shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period:

Provided also that in the case of a workman to whom the provision of clause (2) of Article 311 of the Constitution apply, the provisions of that Article shall be complied with.

- (d) If on the conclusion of the inquiry, or as the case may be, of the criminal proceedings, the workman has been found to be not guilty of any of the charges framed against him, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period.
- (e) The payment of subsistence allowance under this standing order shall be subject to the workman concerned not taking up any employment during the period of suspension.

(5) In awarding punishment under this standing order, the manager shall take into account any gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the manager shall be supplied to the workman concerned.

17. Complaints.—All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent, shall be submitted to the manager or other person specified in this behalf with the right of appeal to the employer.

18. Certificate on termination of service.—Every permanent workman shall be entitled to a service certificate at the time of his dismissal, discharge or retirement from service.

19. Liability of Manager.—The manager of the establishment shall personally be held responsible for the proper and faithful observance of the standing orders.

20. (1) Any person desiring to prefer an appeal in pursuance of sub-section (1) of section 6 of the Act shall draw up a memorandum of appeal setting out the ground of appeal and forward it in quintuplicate to the appellate authority accompanied by a certified copy of the standing orders, amendments or modifications, as the case may be.

(2) The appellate authority shall, after giving the appellant an opportunity of being heard, confirm the standing orders, amendments or modifications as certified by the certifying officer

unless it considers that there are reasons for giving the other parties to the proceedings a hearing before a final decision is made in the appeal.

(3) Where the appellate authority does not confirm the standing orders, amendments or modification it shall fix a date for the hearing of the appeal and direct notice thereof to be given—Where the appeal is filed by the employer or a workman to trade unions of the workman of the industrial establishments, and where there are no such trade unions to representatives of workmen elected under clause (b) of rule 6, or as the case may be to the employer:

- (a) Where the appeal is filed by a trade union to the employer and all other trade unions of the workmen of industrial establishment;
 - (b) Where the appeal is filed by the representative of the workmen, to the employer and any other workman whom the appellate authority joins as a party to the appeal.
- (4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

(5) The appellate authority may at any stage call for any evidence it considers necessary for the disposal of the appeal.

(6) On the date fixed under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or consider to be relevant.

21. Exhibition of standing orders.—A copy of these orders in English and in Hindi shall be posted at the manager's office and on a notice board maintained at or near the main entrance to the establishment and shall be kept in a legible condition.

आदेश द्वारा,
हस्ताक्षरित /—
अतिरिक्त मुख्य सचिव (श्रम एवं रोज़गार)।

—————

[Authoritative English text of this department Notification No. Shram (A) 3-5/2012-Part-II dated 07-03-2020 as required under Clause (3) of Article 348 of the Constitution of India].

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 9th March, 2020

No. Shram (A)3-5/2012-Part-II.—In exercise of the powers conferred by Section 15 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) read with section 2(b) of the Act *ibid*, the Governor of Himachal Pradesh proposes to make the following rules further to amend the Industrial Employment (Standing Orders) Himachal Pradesh Rules, 1973 published in the Rajpatra, Himachal Pradesh on dated 06-09-1973 *vide* this Department Notification No.10/17/71-SI-Vol-II and the same hereby published in the Rajpatra, Himachal Pradesh for the information of general public;

Any interested person who has any Objection(s) or Suggestion(s) with regard to these rules, may send the same to the Labour Commissioner, Himachal Pradesh, Himrus Bhawan, Shimla-1 within a period of thirty days from the date of publication of the said draft rules in the Rajpatra (e-Gazette), Himachal Pradesh; or

The Objection(s) or suggestion(s), if any, received within the period specified above shall be taken into the consideration by the State Government before finalizing the said draft rules, namely :—

1. Short title and Commencement.—(1) These rules may be called the Industrial Employment (Standing Orders) Himachal Pradesh (Amendment) Rules, 2019.

(2) They shall come into force from the date of publication in Rajpatra (e-Gazette), Himachal Pradesh.

2. Insertion of rule 3A.—After rule 3 of the Industrial Employment (Standing Orders) Himachal Pradesh Rules, 1973 (hereinafter referred to as the said rule), the new rule 3A shall be inserted, namely :—

“(3A) No employer of an industrial establishment shall convert the posts of the permanent workmen existing in his industrial establishment on the date of commencement of the Industrial Employment (Standing Orders) Himachal Pradesh (Amendment) Rules, 2019, as fixed term employment thereafter.”

3. Amendment of rule 5.—In rule 5 of the said rules, after item (7), the following item shall be inserted, namely:—

“(7A) Number of fixed term employment workmen”;

4. Substitution of SCHEDULE I.—For SCHEDULE I, appended to the said rules, the following shall be substituted, namely:—

“SCHEDULE I”

[See rule 3]

MODEL STANDING ORDERS

1. These orders shall come into force on
2. Classification of workmen. (a) Workmen shall be classified as—
 - (1) permanent,
 - (2) probationers,
 - (3) badlis,
 - (4) temporary,
 - (5) casual,
 - (6) apprentices,
 - (7) fixed term employment workmen,
- (b) A “permanent” workman is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial establishment including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal strike) or involuntary closure of the establishment.

- (c) A “probationer” is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed three months service therein. If a permanent employee is employed as a probationer in a new post he may, at any time during the probationary period of three months, be reverted to his previous permanent post.
- (d) A “badli” is a workman who is appointed in the post of a permanent workman or probationer who is temporarily absent.
- (e) A “temporary” workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished with a limited period.
- (f) A “casual” workman is a workman whose employment is of casual nature.
- (g) A “apprentice” is a learner who is paid an allowance during the period of his training.
- (h) **A “fixed term employment” is a workman who has been engaged on the basis of a written contract of employment for a fixed period :**

Provided that –

- (a) **his hours of work, wages, allowances and other benefits shall not be less than that of a permanent workman; and**
- (b) **He shall be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even if his period of employment does not extend to the qualifying period of employment required in the statute.**

3. Tickets.—(1) every workman shall be given a permanent ticket unless he is a probationer, badli, temporary, casual worker or apprentice.

(2) Every permanent workman shall be provided with a departmental ticket showing his number, and shall, on being required to do so, show it to any person authorised by the manager to inspect it.

(3) Every badli shall be provided with the badli card, on which shall be entered the days on which he has worked in the establishment, and which shall be surrendered if he obtains permanent employment.

(4) Every temporary workman shall be provided with a “temporary” ticket which he shall surrender on his discharge.

(5) Every casual worker shall be provided with a casual card, on which shall be entered the days on which he has worked in the establishment.

(6) Every apprentice shall be provided with a ‘apprentice’ card which shall be surrendered if he obtains permanent employment.

4. Publication of working time.—The periods and hours for all cases of workers in each shift shall be exhibited in English and in Hindi on notice boards maintained at or near the main entrance of the establishment and at time-keeper’s office, if any.

5. Publication of holidays and pay days.—Notices specifying (a) the days observed by the establishment as holidays, and (b) pay days shall be posted on the said notice boards.

6. Publication of wage rates.—Notices specifying the rates or wages payable to all classes of workmen and for all classes of work shall be displayed on the said notice boards.

7. Shift working.—More than one shift may be worked in a department or department or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, the workmen shall be liable to be transferred from one shift to another. No shift working shall be discontinued without two months' notice being given in writing to the workmen prior to such discontinuance:

Provided that no such notice shall be necessary if the closing of the shift is under an agreement with the workmen affected. If as result of the discontinuance of the shift working any workmen are to be retrenched, such retrenchment shall be effected in accordance with the provisions of the Industrial Disputes Act, 1947 (14 of 1947) and the rules made thereunder. If shift working is restarted, the workmen shall be given notice and re-employed in accordance with the provisions of the said Act and the said rules.

8. Notice of Changes in shift working.—Any notice of discontinuance or of restarting of a shift working required by Standing Order 7 shall be in the form appended to these orders and shall be served in the following manner, namely:—

The notice shall be displayed conspicuously by the employer on a notice board at the main entrance to the establishment and in the manager's office:

Provided that where any registered trade union of workman exists, a copy of the notice shall also be served by registered post on the Secretary of such union.

9. Attendance and late coming.—All workman shall be at work at the establishment at the time fixed and notified under Paragraph 4. Workman attending late will be liable to the deductions provided for in the Payment of Wages Act, 1936 (Act No. 4 of 1936).

10. Leave.—(1) Holidays with pay will be allowed as provided for the Chapter IV-A of the Factories Act, 1948 (63 of 1948) and other holidays in accordance with law, contract, custom and usage.

(2) A workman who desires to obtain leave of absence shall apply to the manager who shall issue order on the application within week of its submission or two days prior to the commencement of the leave applied for, whichever, is earlier, provided that if the leave applied for is to commence on the date of the application or within three days thereof, the order shall be given on the same day. If the leave asked for is granted, a leave pass shall be issue to the worker. If the leave is refused or postponed, the fact of such refusal or postponement and the reason therefore shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires, a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof, he shall apply to the manager who shall send written reply either granting or refusing and if such reply is likely to reach his address is available of the leave originally granted to him.

(3) If the workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment unless (a) returns within 8 days of

the expiry of the leave, and (b) explain to the satisfaction of the manager his inability to return before the expiry of his leave. In case the workman loses his lien on his appointment, he shall be entitled to be kept on the badli list.

11. Casual and sick leave.—Every workman shall be allowed casual and sick leave in accordance with the Himachal Pradesh Industrial Establishment (National and Festival Holidays and Casual and Sick Leave) Act (Act No. 7 of 1970) and rules framed thereunder.

12. National Festival Holidays.—Every workman shall be allowed National and Festival Holidays in accordance with the Himachal Pradesh Industrial Establishments (National and Festival Holidays and Casual and Sick Leave) Act (Act No. 7 of 1970) and rules framed thereunder.

13. Payment of Wages.—(1) Any wages, due to the workmen but not paid on the usual payday on account of their being unclaimed, shall be paid by the employer on an unclaimed wages pay day in each week, which shall be notified on the notice board as aforesaid.

(2) All workmen will be paid wages on a working day before the expiry of the seventh or the tenth day after the last day of the wage period in respect of which the wage are payable, according as the total number of workmen employed in the establishment does not or does exceed one thousand.

14. Stoppage of Work.—(1) The employer may, at any time in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, epidemics, civil commotion or other cause beyond his control, stop any section or sections of the establishment, wholly or partially for any period or periods without notice.

(2) In the event of such stoppage during working hours, the workmen affected shall be notified by notices put upon the notice board in the department concerned, or at the office of the manager, as soon as practicable, when work will be resumed and whether they are to remain or leave their place for work. The workmen shall not ordinarily be required to remain for more than two hours after the commencement of the stoppage. If the period of detention does not exceed one hour the workmen so detained shall not be paid for the period of detention. If the period of detention exceeds one hour, the workmen so detained shall be entitled to receive wages for the whole of the time during which they are detained as a result of the stoppage. In the case of the piece rate workers, the average daily earning for the previous month shall be taken to be the daily wages. No other compensation will be admissible in case of such stoppage. Whenever practicable reasonable notice shall be given of resumption of normal work.

(3) In case where workmen are laid off for short periods on account of failure of plant or a temporary curtailment of production, the period of un-employment shall be treated as compulsory leave either with or without pay, as the case may be. When, however, workmen have to be laid off for an indefinitely long period, their services may be terminated after giving them due notice or pay in lieu thereof.

(4) The employer may in the event of a strike affecting either wholly or partially any section or department of the establishment close down neither wholly or partially such section or department and any other section or department affected by such closing down. The fact of such closure shall be notified by notices put on the notice board in the section or department concerned and in the time-keeper's office, if any, as soon as practicable. The workmen concerned shall also be notified by a general notice, prior to resumption of work, as to when work will be resumed.

15. Termination of employment.—(1) For terminating employment of a permanent workman, notice in writing shall be given either by the employer or the workman one months notice in the case of monthly rated workmen and two week's notice in the case of the other workmen. One month's 'or two weeks' pay as the case may be, may be paid in lieu of notice.

(2) **Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947),—**

- (i) **no notice of termination of employment shall be necessary in the case of temporary workman whether monthly rated, weekly rated or piece rated and probationers or badly workmen; and**
- (ii) **no workman employed on fixed term employment basis as a result of non-renewal of contract or employment or on the expiry of such contract period without it being renewed, shall be entitled to any notice or pay in lieu thereof, if his services are terminated :**

Provided that the services of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the matter prescribed in paragraph 16.

(3) Where the employment of any workman is terminated, the wages earned by him and other dues, if any, shall be paid before the expiry of the second working day from the date on which his employment is terminated.

16. Disciplinary Action for misconduct.—(1) A workman may be fined upto two percent of his wages in a month for the following acts and commissions, namely:—

Note.—Specify the acts and omissions which the employer may notify with the previous approval of the prescribed authority in pursuance of section 8 of the Payment of Wages Act, 1936 (4 to 1936).

(2) A workman may be suspended for a period not exceeding four days at a time, or dismissed without notice or any compensation in lieu of notice, if he is found to be guilty of misconduct.

(3) The following acts and omissions shall be treated as misconduct:

- (a) wilful insubordinate or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior;
- (b) theft, fraud or dishonesty in connection with the employer's business or property;
- (c) wilful damage to or loss of employer's good or property;
- (d) taking or giving bribes or any illegal gratification;
- (e) habitual absence without leave or absence without leave for more than 10 days;
- (f) habitual late attendance;
- (g) habitual breach of any law applicable to the establishment;

- (h) riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline;
 - (i) habitual negligence or neglect of work;
 - (j) frequent repetition of any act or omission for which a fine may be imposed to a maximum of 2 percent, of the wages in a month; and
 - (k) Striking work or inciting others to strike work in contravention of the provisions of any law or rule having the force of law.
- (4) (a) Where disciplinary proceeding against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence are under investigation or trial and the employer is satisfied that it is necessary or desirable to place the workman under suspension, he may by order in writing suspend him with effect from such date as may be specified in the order. A statement setting out in detail the reasons for such suspension shall be supplied to the workmen within a week from the date of suspension.
- (b) A workman who is placed under suspension under clause (a) shall, during the period of such suspension, be paid a subsistence allowance at the following rates, namely:—
- (i) Where the enquiry contemplated or pending is departmental the subsistence allowance shall, for the first ninety days from the date of suspension be equal to one-half of the basic wages, dearness allowance and other compensation allowance to which the workman would have been entitled if he were on leave with wages. If the departmental enquiry gets prolonged and the workman continues to be under suspension for a period exceeding ninety days the subsistence allowance shall for such period be equal to three fourths of such basic wages, dearness allowance and other compensatory allowance:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the workman, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of such basic wages, dearness allowance and other compensatory allowance.

- (ii) Where the enquiry is by an outside agency or, as the case may be, where criminal proceedings against the workman are under investigations or trial the subsistence allowance shall, for the first one hundred and eighty days from the date of suspension, be equal to one-half on his basic wages, dearness allowance and other compensatory allowances to which the workman would have been entitled to if he were on leave. If such enquiry or criminal proceedings gets prolonged and the workman continues to be under suspension for a period exceeding one hundred and eighty days, the subsistence allowance shall for such period be equal to three-fourths of such wages:

Provided that where such enquiry or criminal proceedings is prolonged beyond a period of one hundred and eighty days for reasons directly attributable to

the workman, the subsistence allowance shall, for the period exceeding one hundred and eighty days, be reduced to one fourth of such wages.

- (c) If on the conclusion of the enquiry or, as the case may be, of the criminal proceedings, the workman has been found guilty of the charges framed against him and it is considered, after giving the workman concerned a reasonable opportunity of making representation on the penalty proposed, that an order of dismissal or suspension or fine or stoppage of annual increment or reduction in rank would meet the ends of justice, the employer shall pass an order accordingly:

Provided that when an order of dismissal is passed under this clause, the workman shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any remuneration for such period and the subsistence allowance already paid to him shall not be recovered:

Provided further that where the period between the date on which the workman was suspended from duty pending the enquiry or investigation or trial and the date on which an order of suspension was passed under this clause exceeds four days, the workman shall be deemed to have been suspended only for four days or for such shorter period as is specified in the said order of suspension and for the remaining period he shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting subsistence allowance paid to him for such period:

Provided also that where an order imposing fine or stoppage of annual increment or reduction of rank is passed under this clause, the workman shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period:

Provided also that in the case of a workman to whom the provision of clause (2) of Article 311 of the Constitution apply, the provisions of that Article shall be complied with.

- (d) If on the conclusion of the inquiry, or as the case may be, of the criminal proceedings, the workman has been found to be not guilty of any of the charges framed against him, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period.
- (e) The payment of subsistence allowance under this standing order shall be subject to the workman concerned not taking up any employment during the period of suspension.

(5) In awarding punishment under this standing order, the manager shall take into account any gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the manager shall be supplied to the workman concerned.

17. Complaints.—All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent, shall be

submitted to the manager or other person specified in this behalf with the right of appeal to the employer.

18. Certificate on termination of service.—Every permanent workman shall be entitled to a service certificate at the time of his dismissal, discharge or retirement from service.

19. Liability of Manager.—The manager of the establishment shall personally be held responsible for the proper and faithful observance of the standing orders.

20. (1) Any person desiring to prefer an appeal in pursuance of sub-section (1) of section 6 of the Act shall draw up a memorandum of appeal setting out the ground of appeal and forward it in quintuplicate to the appellate authority accompanied by a certified copy of the standing orders, amendments or modifications, as the case may be.

(2) The appellate authority shall, after giving the appellant an opportunity of being heard, confirm the standing orders, amendments or modifications as certified by the certifying officer unless it considers that there are reasons for giving the other parties to the proceedings a hearing before a final decision is made in the appeal.

(3) Where the appellate authority does not confirm the standing orders, amendments or modification it shall fix a date for the hearing of the appeal and direct notice thereof to be given—Where the appeal is filed by the employer or a workman to trade unions of the workman of the industrial establishments, and where there are no such trade unions to representatives of workmen elected under clause (b) of rule 6, or as the case may be to the employer:

- (a) Where the appeal is filled by a trade union to the employer and all other trade unions of the workmen of industrial establishment;
 - (b) Where the appeal is filed by the representative of the workmen, to the employer and any other workman whom the appellate authority joins as a party to the appeal.
- (4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

(5) The appellate authority may at any stage call for any evidence it considers necessary for the disposal of the appeal.

(6) On the date fixed under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or consider to be relevant.

21. Exhibition of standing orders.—A copy of these orders in English and in Hindi shall be posted at the manager's office and on a notice board maintained at or near the main entrance to the establishment and shall be kept in a legible condition.

By order,
Sd/-

Addl. Chief Secretary (Lab. & Emp.).

CHANGE OF NAME

I, Kamal Parkash s/o Sh. Onkar Chand, r/o Village Sornu, P.O. Kamlehar, Tehsil Palampur, District Kangra, H.P. Ex-Service No. 163884R Rank AG POUC-I, do hereby solemnly affirm and declare on affidavit dated 2-3-2020 that as per Marticulation Certificate the name of my son is Alokik Rana which has been wrongly entered in my navy record as Alouckik Rana and also declare that the correct date of birth of my son is 09-04-2000 (Nine April Two Thousand). So, in future the name of my son be read and known as Alokik Rana for all purposes and necessary record.

KAMAL PARKASH

*s/o Sh. Onkar Chand, r/o Village Sornu, P.O. Kamelehar,
Tehsil Palampur, District Kangra (H.P.).*